

REMARKS

1. Claims Amendments.

Claim 1 has been amended to clean up some of the language and incorporate the subject matter of Claims 2-7 and 12-16 as follows:

- 1.a) now includes the subject matter of Claims 12-16 (the materials of manufacture of the bearing body, the running wheels, and the sliding bearing);
- 1.b) includes subject matter from Claim 2;
- 1.c) includes subject matter from Claim 3;
- 1.d) includes subject matter from Claim 4;
- 1.e) includes subject matter from Claim 5;
- 1.f) includes subject matter from Claim 6; and
- 1.i) includes subject matter from Claim 7.

Further, the subject matter of 1.g) is taken from page 7, lines 8-12 and line 28 through page 8, line 3 of the Specification, and the subject matter of 1.h) is taken from page 11, line 18 through page 12, line 2 of the Specification. No new matter has been added.

Claims 2-7 have been cancelled without prejudice.

Claim 8 has been amended to depend from Claim 1 rather than cancelled Claim 5 and to clean up some of the language. No new matter has been added.

Claims 9 and 10 have been amended to clean up some of the language. No new matter has been added.

Claim 11 has been amended to depend from Claim 10 for better clarity rather than Claim 1 and to clean up some of the language. No new matter has been added.

Claims 12-16 have been cancelled without prejudice.

2. 35 USC 112 Rejections.

Applicant has amended the claims as necessary to address the examiner's concerns under 35 USC 112. No new matter has been added.

3. 35 USC 103 Rejections.

The claims have been rejected under various combinations of cited art under 35 USC 103. Claims 1, 5, and 8-16 have been rejected over Foltz '827. Claims 2-4 have been rejected over Foltz '827 in view of Whitley '618. Claims 6 and 7 have been rejected over Foltz '827 in view of Owens '671. Applicant respectfully submits that neither Foltz '827 nor any combination of Foltz '827 with Whitley '618 or Owens '671 teach or suggest each and every element of amended Claim 1, the only independent claim, and therefore Claim 1 and all claims depending therefrom are allowable.

To sustain a rejection under 35 USC § 103, the examiner must establish a *prima facie* case of obviousness. MPEP § 2142. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2143. Further, the *prima facie* case requires at least "some reason" that would have led a one of ordinary skill in the art to modify the prior art in a particular manner. *Takeda Chemical Indus. Ltd. v. Alphapharm Pty., Ltd.*, 492 F.3d 1350, 1356-57 (Fed. Cir. 2007).

Claim 1 has been amended to incorporate subject matter from Claims 2-7 and 12-16, as well as some subject matter from the Specification. Initially, based on the Examiner's rejections, the addition of subject matter to Claim 1 from:

- Claims 2-4 or 6-7 adds features not found in Foltz '827 alone
- Claims 6-7 adds features not found in a combination of Foltz '827 and Whitley '618
- Claims 2-4 adds features not found in a combination of Foltz '827 and Owens '671

Additionally, the subject matter of the features of Claim elements 1g) and 1h) are not found in the cited references.

More specifically:

- Neither Foltz '827 nor Owens '671 discloses bolts being mounted in the bearing body by two sliding bearings, outer faces of the sliding bearings being exposed and forming stop faces for each of the running wheels, and/or the sliding bearings being located in corresponding receptacles of the bearing body. Foltz '827 employs a common sleeve (22b) such as a Nylon sleeve,

that "is rotatable as a unit with the roller member 22a". Foltz '827 column 1, lines 64-67. Owens '671 employs generic trolleys 18 as Owens '671 teaches a specific anti-floating system rather than a complete closure system.

- Neither Foltz '827 nor Whitley '618 discloses a lower region of a bearing body extending through a longitudinal slot of the guiding rail and/or a vertical axis about which a guide roller can rotate. Foltz '827 in Fig. 3 appears to include the entire bearing body (pintle or axle structure 20) within the rail (track 23) with only a pin (pin 14) extending through the rail slot. Whitley '618 employs an external bearing (tubular bearing member 54) that does not extend into the guiding rail track 28). Whitley '618 further does not employ a vertical axis, having instead a horizontal axis.
- Whitley '618 does not disclose closure elements having undersides that are guided in a guiding rail that opens upwards, but instead disclosing sides that are guides in a guiding rail that opens sideways. Whitley '618 teaches a relatively common overhead garage door structure that operates in what can be considered a horizontal orientation (horizontal panels moving up and down to close the opening) and that cannot operate in a vertical orientation (vertical panels moving side to side to close the opening).
- None of Foltz '827, Owens '671, or Whitley '618 disclose freely rotatable stop rollers in general or rotatable stop rollers supported on lateral stop faces in specific. The stop rollers 45 of the present invention rotate freely and are supported on lateral stop faces when the closure element is in the closed position of the device, and as a result, the closure elements in the closed position form a stable wall for the secure closure or secure protection of the opening in a structure, in particular a window or door arranged behind it. Page 12, line 30 through page 13, line 6. None of the cited prior art teaches this feature and function.

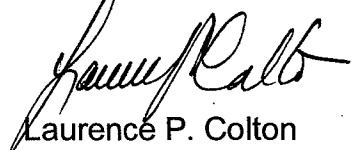
Thus, a comparison of the amended claims to the cited art now shows that none of the reference teaches or suggests each and every element of amended independent Claim 1 or remaining dependent Claims 8-11, and as such the present invention is not obvious over Foltz '827 or any combination of Foltz '827 with Whitley '618 or Owens

'671. For these reasons, Applicant requests that the Examiner find the pending claims allowable.

CONCLUSION

Applicants submit that the patent application is in condition for examination and allowance and respectfully request such actions. If the examiner has any questions that can be answered by telephone, please contact the patent attorney of record at the telephone number listed below.

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP



Laurence P. Colton
USPTO Reg. No. 33,371

SMITH, GAMBRELL & RUSSELL, LLP
1230 Peachtree Street, NE, Suite 3100
Atlanta GA 30309

Tel: 404.815.3681
Fax: 404.685.6981
E-Mail: lcolton@sgrlaw.com